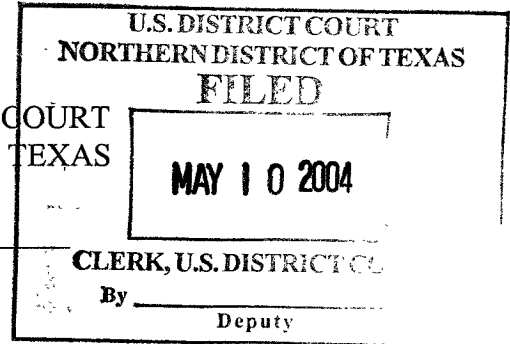


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



FIROOZEH H. BUTLER,

Plaintiff,

v.

MBNA TECHNOLOGY, INC.,

Defendant.

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Civil No. 3: 02-CV-1715-H

MEMORANDUM OPINION AND ORDER

Before the Court is Defendant's Supplemental Fee Declaration in Support of its Motion for Costs and Attorney Fees, filed March 19, 2004. Also before the Court are the Law Firm of Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.L.'s (the "Gary Firm") Opposition to Defendant MBNA's Supplemental Fee Declaration, filed April 5, 2004, and the Gary Firm's Objections to Defendant MBNA's Supplemental Fee Declaration. Upon review of the pleadings, briefs, and relevant authorities the Court is of the opinion that Defendant should be AWARDED attorney fees in the amount requested in its Supplemental Fee Declaration, and that the Gary Firm's Objections should be OVERRULED.

After reviewing Defendant's Supplemental Fee Declaration, the Court concludes that Defendant should be awarded fees in the amount requested, that is, \$236,218.65 in fees for time spent to address the merits of Plaintiff's claims and \$28,986.42 in fees for time spent on its motion for costs and fees. This figure represents the lodestar amount as determined in the Court's Memorandum Opinion and Order, entered March 1, 2004. Defendant seeks fees for 713.2 hours

of work related to the litigation of the merits of Plaintiff's claims. (*See* Supplemental Fee Declaration at 2.) Additionally, Defendant seeks fees for the hours of work and the expenses on its motion for costs and fees. (*See id.* at 5-6.) The hours Defendant spent on the claims for which the Court awarded fees, *see* Memorandum Opinion and Order entered March 1, 2004 (Section III.), and the hours Defendant spent on preparation of the motion for costs and fees, are reasonable. The Court multiplied the hours in Defendant's Supplemental Fee Declaration by the hourly rates previously found to be reasonable in the Court's Memorandum Opinion and Order entered March 1, 2004, to arrive at the lodestar amount. The Court then added the reasonable and allowable expenses claimed by Defendant. The Court concludes that there is not reason to depart either up or down from the lodestar amount. Attorney fees will be **AWARDED** to Defendant in the total amount of \$265,205.07.

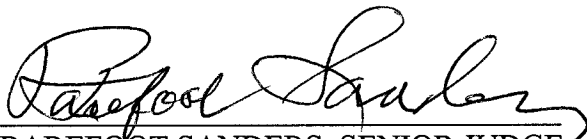
The Court previously **AWARDED** costs to Defendant. *See* Memorandum Opinion and Order, entered March 1, 2004.

After reviewing Plaintiff's Objections, the Court concludes that these objections are without merit and are **OVERRULED**.

Accordingly, Judgment will be entered in accordance with this Memorandum Opinion and Order.

SO ORDERED.

DATED: May 10, 2004.


BAREFOOT SANDERS, SENIOR JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS